

COMPLAINT INVESTIGATION SUMMARY

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| COMPLAINT NUMBER: | 1905.02 |
| COMPLAINT INVESTIGATOR: | John Hill |
| DATE OF COMPLAINT: | April 23, 2002 |
| DATE OF REPORT: | May 30, 2002 |
| REQUEST FOR RECONSIDERATION: | no |
| DATE OF CLOSURE: | August 26, 2002 |

COMPLAINT ISSUES:

Whether the Indianapolis Public Schools violated:

511 IAC 7-29-1(f) by failing to provide services to a student with a disability who has been suspended for more than ten cumulative instructional days in the school year.

During the course of the investigation, the following additional issue was identified:

511 IAC 7-27-7(a) with regard to the school's failure to implement the Student's individualized educational program (IEP) as written, specifically with regard to initiating homebound services on April 19, 2002.

On May 22, 2002 the associate superintendent extended the deadline for completion of the investigation report to May 30, 2002.

FINDINGS OF FACT:

1. The Student is a fourteen-year-old seventh grader who has been determined eligible for special education and related services due to an emotional disability.
2. The Student has been suspended for a total eight cumulative instructional days this school year. On April 11, 2002, the Student was suspended for 5 days (April 12, 15, 16, 17, and 18, 2002). Prior to the April 11, 2002 suspension, the student had been suspended 3 days this school year.
3. A CCC was convened to conduct a manifestation determination on April 15, 2002; it was determined the behavior was not a manifestation of the Student's disability. The April 15, 2002, CCC Summary/IEP indicates that Student was to begin receiving homebound services at the local library 2 hours per day on April 19, 2002, pending an expulsion hearing.
4. The school was not able to secure a teacher for the homebound services to begin on April 19, 2002. The parent was informed the Student could begin receiving services on Thursday, April 25, 2002. The parent chose to wait two additional days, until Monday, April 29, 2002, to transport the Student to the library for the homebound services.

CONCLUSIONS:

1. Finding of Fact #2 demonstrates the Student has only been suspended eight cumulative instructional days this school year. Therefore, no violation of 511 IAC 7-29-1(f) is found.
2. Findings of Fact #3 and Fact #4 reflect that the school failed to implement the Student's IEP with regard to initiating homebound services on April 19, 2002. Therefore, a violation of 511 IAC 7-27-7(a) is found.

The Department of Education, Division of Exceptional Learners requires the following corrective action based on the Findings of Fact and Conclusions listed above.

CORRECTIVE ACTION:

The Indianapolis Public School shall:

1. Reconvene the CCC by June 14, 2002, to consider compensatory services for the Student as a result of the 4 days that the school failed to provide instructional services. Details of the CCC discussion of the Student's need for compensatory services shall be documented in the IEP. A copy of the CCC Summary and IEP shall be submitted to the Division no later than June 16, 2002.